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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/080,461	05/19/1998	HAJIME ASAMA	P619-93US0	9429

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JACOBSON PRICE HOLMAN & STERN  
400 SEVENTH STREET N W  
WASHINGTON, DC 20004

EXAMINER
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NGUYEN, LE V

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/080,461

Applicant(s)

ASAMA ET AL.

Examiner

Le Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25, 26, 31-38 and 41-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25, 26, 31-38 and 41-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is responsive to an amendment filed 7/26/04.
2. Claims 25, 26, 31-38 and 41-46 are pending in this application, and claims 25, 26 and 41 are independent claims. Claims 1-24, 27-30, 39 and 40 have been cancelled; claims 25, 26 and 31-38 have been amended; and, claims 41-46 have been added.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Claim Rejections - 35 USC § 102***

4. Claims 25, 26, 31, 32, 35-38 and 41-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Craig et al. ("Craig").

As per claim 25, Craig teaches a user-adaptive variable-environment system comprising a computer provided with an operating environment (col. 2, lines 47-58; col. 3, lines 28-29 and 32-34; col. 4, lines 21-26; col. 6, lines 37-60; col. 7, lines 7-22, 30-32 and 36-46; col. 8, lines 46-47) and:

a user recognizing unit and an information storage medium to be applied to the user recognizing unit, the information storage medium being portable (figs. 2 and 3; col. 6, lines 53-60; col. 7, lines 9-13; *the user recognizing unit, CPU 210 and power management unit 220, senses the access card/"Smart Card"/information storage medium 220*) and serving as a password (col. 7, lines 14-22);

wherein the information storage medium stores user-environment information about an operating environment suitable for a user, the user-environment information including a type of an operating system from among multiple possible operating systems (col. 7, lines 30-46; *"the network computer may...download the operating system...characteristics of the network computer may also be stored on the smart card and incorporated in the start up procedure", i.e. a smart card holds user-environment information such as information on user's preference in operating systems*);

the user recognizing unit reads the user-environment information stored in the information storage medium and changes the operating environment of the computer in accordance with the user-environment information (col. 7, lines 30-32; *incorporating user preferences if user preferences are present on the smart card*); and

the information storage medium is automatically and directly readable by the user recognizing unit while being inserted into the user recognizing unit (figs. 2 and 3; col. 6, lines 37-60; col. 7, lines 9-13).

Claim 26 is similar in scope to claim 25 and is therefore rejected under similar rationale.

As per claim 31, Craig teaches a user-adaptive variable-environment system wherein the user-environment information includes usable application software and a language in which information is to be displayed (col. 7, lines 30-32 and 36-46; *Craig teaches user-environment information about an operating environment such as usable application software that also includes language in which information is to be displayed; moreover, the smart card/information storage medium stores user preferences including*

*a usable application/software such as a preferred desktop, screen saver selection and mode enablement).*

Claim 32 is similar in scope to claim 31 and is therefore rejected under similar rationale.

As per claim 35, Craig teaches a user-adaptive variable-environment system wherein the information storage medium is an ID card serving as a password (col. 6, lines 37-52; col. 7, lines 11-22).

Claim 36 is similar in scope to claim 35 and is therefore rejected under similar rationale.

As per claim 37, Craig teaches a user-adaptive variable-environment system wherein the information storage medium is an ID storage medium serving as a password (col. 6, lines 37-52; col. 7, lines 11-22).

Claim 38 is similar in scope to claim 37 and is therefore rejected under similar rationale.

As per claim 41, Craig teaches a user-adaptive variable-environment system comprising a computer provided with an operating environment (col. 2, lines 47-58; col. 3, lines 28-29 and 32-34; col. 4, lines 21-26; col. 6, lines 37-60; col. 7, lines 7-22, 30-32 and 36-46; col. 8, lines 46-47) and:

a user recognizing unit and an information storage medium to be applied to the user recognizing unit, the information storage medium being portable (figs. 2 and 3; col. 6, lines 53-60; col. 7, lines 9-13; *the user recognizing unit, CPU 210 and power*

*management unit 220, senses the access card/"Smart Card"/information storage medium 220) and serving as a password (col. 7, lines 14-22);*

wherein the information storage medium stores user-environment information about an operating environment suitable for a user, the user-environment information including a type of an operating system from among multiple possible operating systems (col. 7, lines 30-46; *"the network computer may...download the operating system...characteristics of the network computer may also be stored on the smart card and incorporated in the start up procedure", i.e. a smart card holds user-environment information such as information on user's preference in operating systems*);

the user recognizing unit reads the user-environment information stored in the information storage medium and changes the operating environment of the computer in accordance with the user-environment information, including the specified operating system (col. 7, lines 30-32; *incorporating user preferences if user preferences are present on the smart card*).

As per claim 42, Craig teaches a user-adaptive variable-environment system wherein the information storage medium is automatically and directly readable by the user recognizing unit while being inserted into the user recognizing unit (figs. 2 and 3; col. 6, lines 37-60; col. 7, lines 9-13).

As per claim 43, Craig teaches a user-adaptive variable-environment system wherein the information storage medium is automatically and directly readable by the user recognizing unit while being in a position near to but apart from the user recognizing unit (col. 6, lines 37-60; col. 7, lines 9-13 and 30-46; *the smart*

*card/information storage medium is inserted into the smart card port to be read by the recognizing unit and is separate from the recognizing unit).*

As per claims 44-46, Craig teaches a user-adaptive variable-environment system wherein the information storage medium is portable and an ID storage medium serving as a password (col. 6, lines 37-52; col. 7, lines 11-22; *the smart card/information storage medium is portable and serves as an ID/password storage medium*).

5. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig et al. ("Craig") in view of Bertram et al. ("Bertram").

As per claim 33, although Craig teaches a user-adaptive variable-environment system wherein the user-environment information includes user preferences, e.g. power management energy warning levels and desktop information (col. 7, lines 30-32 and 36-46; *the information storage medium stores user preferences such as user's desktop preference wherein, by definition, a desktop is an on-screen work area that uses icons and menus*), Craig does not explicitly disclose the user environment information to include a key layout. Bertram teaches a system wherein the user environment information includes a key layout (col. 4, lines 27-28). Therefore, it would have been obvious to an artisan at the time of the invention to include Bertram's teaching of user environment information that includes a key layout to Craig's teaching of user environment information that includes user preferences in order to facilitate user's entry of data.

Claim 34 is similar in scope to claim 33 and is therefore rejected under similar rationale.

### ***Response to Arguments***

6. Applicant's arguments filed 7/26/04 have been fully considered but they are not persuasive.

Applicant argued the following:

Craig's operational characteristics are categorically different from the operating system selection included in the present invention and does not alter the operation of a computer at the operating system level.

The examiner disagrees for the following reasons:

Craig's teaching is consistent with the claim language requirements of a user recognizing unit reading user's preference in operating system from the operating system information stored on the storage medium (col. 7, lines 30-46; *the operating system and any applications or data required by the user may be downloaded, whereby, the loaded applications, appearance of the desktop or other characteristics of the computer may then be stored on the smart card/storage medium and incorporated in the start up procedure*).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not



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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Inquires***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN  
Patent Examiner  
July 8, 2005

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

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